

12-26-00

PATENT



Attorney's Docket No. 759-13 CON

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Assistant Commissioner for Patents  
**Box Patent Application**  
Washington, D.C. 20231

**UTILITY PATENT APPLICATION TRANSMITTAL**

Sir:

Transmitted herewith for filing is the patent application of:

First Named Applicant (or Applicants): **Kravtsoff et al.**

Title of Application:

**PARTICULATE COMPLEX FOR ADMINISTERING  
NUCLEIC ACID INTO A CELL**

**1. Type of Application (37 C.F.R. 1.53(b))**

This application is a(n):

- ☐ Original (nonprovisional) application.
- ☒ Continuing application:
- ☐ Divisional      ☒ Continuation      ☐ Continuation-in-Part (CIP)

of Serial No. 09/557,717, filed on April 25, 2000.

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this New Application Transmittal and the documents referred to as enclosed herein are being deposited with the United States Postal Service on this date, December 22, 2000, in an envelope as "Express Mail to Addressee" Mailing Label Number EL633571571US, addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Joyce Peterson  
Name of person mailing paper

Joyce Peterson  
Signature of person mailing paper

**2. Enclosed Papers Required to Obtain Application Filing Date under 37 CFR 1.53(b)**

20 Pages of specification

4 Pages of claims

1 Pages of Abstract

1 Sheets of drawings

☒ Formal ☐ Informal

**3. Oath or Declaration**

☐ Newly executed Oath or Declaration (original or copy) is enclosed.

☐ Copy of Oath or Declaration from prior application 0 / (37 C.F.R. 1.63(d)).

☐ The entire disclosure of the prior application, from which a copy of the oath or Declaration is supplied, is considered as being a part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☐ With Power of Attorney

☐ Without Power of Attorney

**4. Additional Papers Enclosed**

☒ Return Receipt Postcard (specifically itemized) (M.P.E.P. § 503).

☐ Preliminary Amendment.

☐ Information Disclosure Statement (37 CFR 1.98).

☐ Form PTO-1449

☐ Copies of IDS Citations

☐ Nucleotide and/or Amino Acid Sequence Listing computer-readable copy, paper copy, and statement verifying identity of computer-readable and paper copies.

☐ Certified Copy of Priority Document(s).

☐ Verified translation of non-English language application (37 C.F.R. 1.52(d)).

**5. Assignment**

☐ Newly Executed assignment with Recordation Cover Sheet (Form PTO-1595).

☐ Copy of Assignment from prior application No. 08/.

**6. Request That Application Not Be Published Pursuant to 35 U.S.C. 122(b)(2)**

- ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

**7. Fee Calculation (37 CFR 1.16)**

Regular Application (37 CFR 1.16(a)) Basic Fee \$710.00

FEES FOR CLAIMS AS FILED					
Number filed	Number extra		Rate		
Total Claims (37 CFR 1.16 (c))	30	- 20	= 10	x \$ 18.00	= \$ 180.00
Independent Claims (37 CFR 1.16(b))	6	- 3	= 3	x \$ 80.00	= \$ 240.00
Multiple Dependent Claims (37 CFR 1.16(d))	0		+ \$ 270.00	=	\$ 0.00
Fee Calculation for Extra Claims					\$ 420.00

- ☐ Amendment canceling extra claims enclosed.
- ☐ Amendment deleting multiple-dependencies enclosed.

Total Filing Fee Calculation \$ 1,130.00

**8. Small Entity Statement**

☒ Verified Statement that this is a filing by a small entity under 37 CFR 1.9 and 1.27:

☒ is enclosed. ☐ will follow.

☒ Status as a small entity was claimed in prior application 09/557,717, from which benefit is being claimed for this application under:

- ☐ 35 U.S.C. 119(e),  
☒ 35 U.S.C. 120,  
☐ 35 U.S.C. 121,  
☐ 35 U.S.C. 365(c),

and which status as a small entity is still proper and desired.

☒ A copy of the verified statement in the prior application is enclosed.

Filing Fee Calculation (50% of Filing Fee calculated in Item 6 above)

**\$ 565.00**

**9. Fee Payment**

☒ Not enclosed. No filing fee is to be paid at this time.

☐ Enclosed:

- |  |    |
|--|----|
| <input type="checkbox"/> Basic filing fee (Item 6 or 7 above)                                    | \$ |
| <input type="checkbox"/> Fee for recording Assignment<br>(\$40.00 (37 CFR 1.21(h)))              | \$ |
| <input type="checkbox"/> Processing and retention fee<br>(\$130.00 (37 CFR 1.53(d) and 1.21(l))) | \$ |

Total fees enclosed **\$ 0.00**

**10. Method of Payment of Fees**

☐ Check in the amount of \$\_\_\_\_\_.

☐ Charge Deposit Account No. 08-2461 in the amount of \$\_\_\_\_\_.  
A duplicate of this transmittal is enclosed.

**11. Authorization to Charge Additional Fees**

- ☐ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. 08-2461:
- ☐ 37 CFR 1.16(a), (f), or (g) (filing fees)
  - ☐ 37 CFR 1.16(b), (c), and (d) (presentation of extra claims)
  - ☐ 37 CFR 1.16(e) (surcharge for filing the basic fee and/or declaration at a date later than the filing date of the application)
  - ☐ 37 CFR 1.17 (application processing fees)

A duplicate of this transmittal is enclosed.

**12. Instructions as to Overpayment**

- ☐ Credit Deposit Account 08-2461. ☐ Refund.

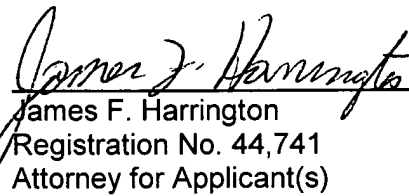
**13. Correspondence Address**

Please address all correspondence to:

Irving N. Feit, Esq.  
HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791

Telephone: (516) 822-3550

Fax: (516) 822-3582

  
James F. Harrington  
Registration No. 44,741  
Attorney for Applicant(s)  
JFH/jp